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*Attorneys for Defendants Eugene Kasakove  
and Markas Financial Services, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHYLIS TANZ,

Plaintiffs,

-against-

EUGENE KASAKOVE and  
MARKAS FINANCIAL SERVICES, INC.,

Defendants.

[illegible]

CIVIL ACTION NO.  
08-cv-01462-LAK

## NOTICE OF MOTION

PLEASE TAKE NOTICE, that Defendants Eugene Kasakove and Markas Financial Services, Inc., upon filing of the accompanying memorandum of law, the Declaration of Eugene Kasakove, dated May 22, 2008, and the exhibits attached thereto, will move this Court before the Honorable Lewis A. Kaplan, United States Magistrate Judge, United States Courthouse, 500 Pearl Street, New York, New York, at such time as the Court directs, for

an Order pursuant to Federal Rule of Civil Procedure Rule 12(b)(6), dismissing the Second Amended Complaint in its entirety.

Dated: New York, New York  
May 23, 2008

DREIER LLP

/s/ Robert Grand  
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*Attorneys for the Defendants*